

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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CLERK OF DISTRICT COURT
U.S. DISTRICT COURT
SAN JUAN, P.R.

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 v.

CIVIL NO. 96-2451 (RLA)

4 JOSE CALDERON, et al.,

5 Defendants.
6

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8 MINUTES OF STATUS CONFERENCE
9 HELD ON APRIL 5, 2001

10 At the STATUS CONFERENCE held on April 5, 2001 from 11:15 a.m.
11 to 12:15 p.m. plaintiffs were represented by AUSA JOSE M. PIZARRO
12 ZAYAS and codefendants MR. & MRS. ENRIQUE CALDERON appeared pro se.
13 Also present were NOEL ACEVEDO, ESQ. and EDWIN MUÑIZ from the U.S.
14 CORPS OF ENGINEERS ("COE")

15 The court heard the parties' arguments as to why the consent
16 decree should not be terminated, particularly in light of the
17 termination and release provisions contained in the document. All
18 parties agree that defendants complied with obtaining the NW-32
19 permit as well as payment of the fine. They disagree, however, on
20 the scope and need for a permanent injunction. According to
21 plaintiff, the purpose of the permanent injunction is to ensure
22 defendants consult with the COE prior to carrying out any activity
23 which might violate the Clean Water Act provision and for the COE to
24 seek assistance from the court without having to institute a separate
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1 cause of action. Defendants, on the other hand, do not object to a
2 permit consultation process at the administrative level in the future
3 if warranted, but feel they are placed at a disadvantage by having
4 to deal with this issue at the judicial level.

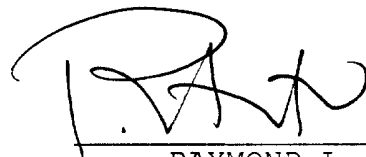
5 A discussion also ensued regarding the applicability of the
6 consent decree to all properties owned by defendants.

7 The COE has only examined the portion of the two adjoining
8 properties subject to the NP-32 permit but has not inspected the
9 remainder of defendants' plots to determine what other areas could be
10 considered wetlands.
11

12 The issue of the termination of the consent decree was taken
13 under advisement.

14 IT IS SO ORDERED.

15 In San Juan, Puerto Rico, this th 6 day of ^{April} ~~March~~, ²⁰⁰¹ ~~1999~~.

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18 RAYMOND L. ACOSTA
19 United States District Judge
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